

REMARKS

I. Introduction

With the addition of new claims 5 to 7, claims 3 to 7 are currently pending in the present application. The specification has been amended to address certain informalities. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

It is initially noted that the Office Action Summary does not include an acknowledgment of the claim for foreign priority and does not indicate that a copy of the certified copy of the priority document has been received. In this regard, a claim of priority to German Application No. 100 13 409.2 was made in, inter alia, the Declaration and Power of Attorney, filed on March 5, 2002. At least the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," dated January 29, 2002 indicates that the United States Patent and Trademark Office has received the priority document. Applicants therefore respectfully request that the Office acknowledge the claim of foreign priority and acknowledge receipt of the priority document in the next Office communication.

II. Objection to the Specification

The Abstract was objected to for allegedly including more than 150 words. However, the Abstract, as amended by the Preliminary Amendment filed on November 8, 2001, includes **141** words. Withdrawal of this objection is therefore respectfully requested.

III. Objection to the Drawings

The drawings were objected to for allegedly lacking clarity with respect to pointer to certain reference numbers. Figure 1 has been amended herein to more clearly indicate elements referred to by reference numbers 5, 10 and 11. It is submitted that labels 8 and 25 correctly point to the features they refer to. Reference number 26 has been added (with an accompanying change in the Specification). In addition, Figures 4 and 5 have been amended such that Figure 4 has been re-numbered as Figure 5 and Figure 5 has been re-numbered as Figure 4

to properly conform to the description of the Specification. No new matter has been added. Withdrawal of this objection is respectfully requested.

IV. Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(b)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,576,030 ("Hooper"). Since claims 1 and 2 were canceled in the Preliminary Amendment filed on November 8, 2001, it is respectfully submitted that the present rejection is moot for this reason alone. Notwithstanding the foregoing and to facilitate matters, Applicants respectfully submit that Hooper does not anticipate claims 3 and 4, which were added by the Preliminary Amendment filed on November 8, 2001, for at least the following reasons.

Claim 3 relates to a method for producing a fiber-reinforced plastic component made of dry fiber composite preforms by an injection method for injecting matrix material. Claim 3 recites that the method includes, inter alia, creating a first gas space by a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform. The Office Action contends that sheet 32 mentioned by Hooper constitutes a "gas permeable and resin impermeable layer." However, Hooper states at col. 5, lines 7 to 10 that "[a]n impervious flexible sheet 32, for example, a thin sheet of silicon rubber, is positioned over the distribution medium 24 and should be larger in size" (emphasis added). It is respectfully submitted that, contrary to the allegations contained in the Office Action, Hooper does not disclose, or even suggest, that sheet 32 is "a gas-permeable and matrix-material-impermeable membrane" as recited in claim 3. Accordingly, it is respectfully submitted that Hooper does not disclose, or even suggest, "creating a first space by a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform" as recited in claim 3.

Claim 4 relates to a device for producing fiber-reinforced plastic components made of dry fiber composite preforms by an injection method for injecting matrix material. Claim 4 recites that the device includes, inter alia, "a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform and creating a first space into which matrix material is feedable." As indicated above, Hooper states that the sheet 32 is "impervious" and is formed of "silicon rubber." It is therefore respectfully submitted that Hooper does

not disclose, or even suggest, “a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform and creating a first space into which matrix material is feedable” as recited in claim 4.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Hooper does not disclose, or even suggest, all of the limitations recited in claim 3 or claim 4. Accordingly, it is respectfully submitted that Hooper does not anticipate claim 3 or claim 4. Withdrawal of this rejection is therefore respectfully requested.

V. Rejection of Claims 1 and 2 Under 35 U.S.C. § 102(e)

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Published Patent Application No. 2002/0022422 (“Waldrop et al.”). Since claims 1 and 2 were canceled in the Preliminary Amendment filed on November 8, 2001, it is respectfully submitted that the present rejection is moot for this reason alone. Notwithstanding the foregoing and to facilitate matters, it is respectfully submitted that Waldrop et al. do not anticipate claims 3 and 4 for at least the following reasons.

As indicated above, claim 3 recites that a method includes, inter alia, creating a first gas space by a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform, and claim 4 recites that a device includes, inter alia, “a gas-permeable and matrix-material-impermeable membrane arranged at least on one side around the preform and creating a first space into which matrix material is feedable.” The Office Action contends that inner bag 62 mentioned by Waldrop et al. constitutes a “gas permeable and resin impermeable layer.” However, in paragraph [0143], for example, Waldrop et al. indicate a number of materials for forming inner bag 62, none of which are stated to be “gas permeable and resin impermeable” as stated in the Office Action or “gas-permeable and matrix-material-impermeable” as recited in claims 3 and 4. Indeed,

Waldrop et al. repeatedly mention vacuum integrity of the double-bag system of the inner bag 62 and outer bag 64. It is thus respectfully submitted that the inner bag 62 is **gas-impermeable**, in stark contrast to the allegations contained in the Office Action that the inner bag 62 is gas-permeable and in stark contrast to claims 3 and 4, which recite "a gas-permeable and matrix-material-impermeable membrane." Accordingly, it is respectfully submitted that Waldrop et al. do not disclose, or even suggest, all of the limitations of claim 3 or claim 4. It is therefore respectfully submitted that Waldrop et al. do not anticipate claim 3 or claim 4. Withdrawal of this rejection is therefore respectfully requested.

VI. New Claims 5 to 7

New claims 5 to 7 have been added herein. It is respectfully submitted that new claims 5 to 7 do not add any new matter and are fully supported by the present application, including the Specification.

Since claim 5 depends from claim 3 and therefore includes all of the limitations of claim 3, it is respectfully submitted that claim 5 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 3.

Since claim 6 depends from claim 4 and therefore includes all of the limitations of claim 4, it is respectfully submitted that claim 6 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 4.

Since claim 7 depends from claim 3 and therefore includes all of the limitations of claim 3, it is respectfully submitted that claim 7 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 3.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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